

In the Matter Of:

LAURIE ORTOLANO vs

CITY OF NASHUA

MICHAEL CARIGNAN

April 19, 2024

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MICHAEL CARIGNAN

14..17

Page 14		Page 15	
1	on, okay?	1	A. Correct, yes, sir.
2	MR. CULLEN: Sure. I believe I have	2	Q. And it's fair to say if that was
3	those here.	3	brought to your attention by a woman named Laurie
4	MR. MALAGUTI: I know you produced them	4	Ortolano and perhaps another woman with her named
5	because I had pulled them down, and I just can't	5	Laura -- I believe it's pronounced Colquhoun?
6	get access to them, so. Thank you.	6	A. Correct.
7	BY MR. MALAGUTI:	7	MR. MALAGUTI: And if someone knows
8	Q. Okay. So, Mr. Carignan, I can't see	8	better than me, I'm going to make an attempt at
9	the document that you're looking at, but I believe	9	spelling Colquhoun for the stenographer. I
10	it's from -- is it from June of 2019, somewhere in	10	believe it's C-O-L-Q-U-H-O-U-N. Does that sound
11	that area?	11	right, if you can find it somewhere?
12	A. Yes, June 26, 2019.	12	MR. CULLEN: That appears to be
13	Q. And could you describe that document to	13	correct.
14	us, please.	14	MS. ORTOLANO: It's C-A-L,
15	A. Sure. It's a -- as you stated, it's a	15	C-A-L-Q-U-H-U-O-N (sic).
16	supplemental document, meaning a supplemental	16	MR. MALAGUTI: C-A-L. Okay. Thank
17	report to a larger report that just indicates	17	you, Laurie.
18	something that happened within that case. It was a	18	BY MR. MALAGUTI:
19	report written by Captain John Lehto, based on a	19	Q. You just came into a different view, so
20	meeting that I had with him attending a meeting at	20	you're still there. My apologies. You bounced
21	City Hall.	21	down on the screen.
22	Q. Now, this is in regard to an	22	Do you have a recollection,
23	investigation that would eventually be done by the	23	Mr. Carignan, about your meeting with what I'll
24	Nashua Police Department regarding the Nashua	24	call the two Laurie and Laura?
25	Assessing Department, right?	25	A. The meeting with Laurie and Laura, I
Page 16		Page 17	
1	didn't have any specific memory of that meeting. I	1	A. I believe she showed us some documents.
2	know I've spoken to Laurie several times.	2	Again, we had several meetings, I apologize if the
3	Q. When is the first time you ever spoke	3	chronology is not right, but Laurie had excellent
4	with Laurie?	4	documentation as to her allegations and her
5	A. I'll be honest, I'm not sure. We've	5	concerns.
6	had several conversations. So -- go ahead.	6	Q. At some point did she give police
7	Q. Let me put them chronologically. Did	7	officers some documentation that they retained?
8	you have conversations with her prior to	8	A. Yes.
9	discussing the investigation into the Nashua	9	Q. And how soon after you first met with
10	Assessing Department?	10	Laurie at the police department to discuss these
11	A. Yes.	11	allegations did you end up going over to the
12	Q. In what forum would these conversations	12	mayor's office for the meeting that was documented
13	occur?	13	in Exhibit 1?
14	A. Well, so, again, we had several	14	A. I don't exactly remember the day she
15	conversations, some we had seen each other at City	15	came over, so I can't give you an exact time, but
16	Hall a couple of times over some different issues,	16	it would be within a couple of days. It was -- we
17	but she came to me to the police department to	17	took it seriously, and we would have gone over
18	speak to me about her concerns with those	18	pretty quickly to start looking into it.
19	allegations.	19	Q. At that point when she contacted you,
20	Q. So the meeting about the Nashua	20	would you say that you were in charge of the
21	Assessing Department was a face-to-face meeting at	21	matter?
22	the police department?	22	A. The allegations came to me and I
23	A. I believe so, yes.	23	directed it to go towards the detective bureau, so,
24	Q. Was it just a conversation or did it	24	yes. In charge of assigning it, yes. In charge of
25	involve her showing you documents?	25	handling it, no.

MICHAEL CARIGNAN

30..33

<p style="text-align: right;">Page 30</p> <p>1 topics we would talk about.</p> <p>2 Q. And when you say the relationship,</p> <p>3 you're referring, of course, to your city business</p> <p>4 relationship?</p> <p>5 A. Correct.</p> <p>6 Q. Okay.</p> <p>7 A. Correct.</p> <p>8 Q. How long had you known Kim Kleiner</p> <p>9 before June 26, 2019?</p> <p>10 A. I can't remember if I met her as a</p> <p>11 captain or a deputy chief. I was pretty active in</p> <p>12 community activities, I felt that was important, so</p> <p>13 it was -- we did a lot of work with the Arlington</p> <p>14 Street Community Center, and that's when I really</p> <p>15 got to know her well, which would have been as a</p> <p>16 deputy chief, so 2016 to 2019, roughly.</p> <p>17 Q. And the Arlington Street Community</p> <p>18 Center is some type of charitable organization, I</p> <p>19 gather?</p> <p>20 A. Well, it's a city-owned property that</p> <p>21 we opened -- we opened a community center out of.</p> <p>22 Q. Okay. And how long have you known the</p> <p>23 mayor, James Donchess?</p> <p>24 A. I've known him since he was sworn in as</p> <p>25 mayor, so --</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. The first time or the second time?</p> <p>2 A. No. No, the second time. Well, the</p> <p>3 second set of times. I don't -- we may have had</p> <p>4 some interactions when he was a union</p> <p>5 representative, but I don't -- I don't remember</p> <p>6 having enough interaction to say I knew him,</p> <p>7 because I was never the union steward.</p> <p>8 Q. Now, Mayor Donchess was at one point a</p> <p>9 union representative?</p> <p>10 A. Yes, he was, he represented the</p> <p>11 Patrolmen's Union.</p> <p>12 Q. He represented the Patrolmen's Union as</p> <p>13 an attorney, am I --</p> <p>14 A. Correct. For the collective</p> <p>15 bargaining, yes.</p> <p>16 Q. So he was not a patrolman or an</p> <p>17 employee at any time of the Nashua --</p> <p>18 A. No, no, no.</p> <p>19 Q. Okay.</p> <p>20 A. He was not.</p> <p>21 Q. And when would this have been, the</p> <p>22 early aughts, the early 2000s, or before then?</p> <p>23 A. No, it might have been right around</p> <p>24 those times. I don't remember when he started as</p> <p>25 the union representative, as the attorney</p>
<p style="text-align: right;">Page 32</p> <p>1 representing the union. It was a good chunk of his</p> <p>2 non-political time, if that answers your question.</p> <p>3 So he's been consistently a part of</p> <p>4 collective bargaining for the police department for</p> <p>5 a majority of the time that I've been there, I was</p> <p>6 there.</p> <p>7 Q. And did you ever have a social</p> <p>8 relationship with the mayor, a non-business</p> <p>9 relationship?</p> <p>10 A. No, I did not.</p> <p>11 Q. Never went out to dinner with him and</p> <p>12 his wife or anything of the like?</p> <p>13 A. No.</p> <p>14 Q. And Ms. Kleiner, did you ever have a</p> <p>15 social relationship with Ms. Kleiner?</p> <p>16 A. No.</p> <p>17 Q. Okay. So what time was the meeting</p> <p>18 convened on June 26th, 2019?</p> <p>19 A. According to the report, it's 9:00 in</p> <p>20 the morning.</p> <p>21 Q. And who was present?</p> <p>22 A. Myself, Captain John Lehto, Mayor</p> <p>23 Donchess, and Kim Kleiner.</p> <p>24 Q. And did this take place in the mayor's</p> <p>25 conference room?</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Yes.</p> <p>2 Q. And I'm going to ask you to remember</p> <p>3 what was said during that meeting, and I'll</p> <p>4 probably just go person by person as to, you know,</p> <p>5 who said what. What did you say at the meeting?</p> <p>6 A. So the purpose of the meeting and what</p> <p>7 I said was informing the mayor that there was a</p> <p>8 criminal complaint alleged against employees at</p> <p>9 City Hall, and that we would be investigating the</p> <p>10 case, and we would be conducting an investigation,</p> <p>11 or detectives from the Nashua Police Department</p> <p>12 would be conducting an investigation into those</p> <p>13 allegations and we would be speaking with multiple</p> <p>14 employees at City Hall.</p> <p>15 Q. Did you say anything else that you</p> <p>16 remember?</p> <p>17 A. No.</p> <p>18 Q. And when you said -- when you described</p> <p>19 the criminal investigation, did you describe the</p> <p>20 types of allegations that had been made?</p> <p>21 A. No, we tried to keep all -- all those</p> <p>22 facts to really a minimum. It wasn't his business</p> <p>23 what we were investigating. Him and Kim were both</p> <p>24 well aware of what they were, they had been told of</p> <p>25 the allegations that were made or they had found</p>

MICHAEL CARIGNAN

38..41

Page 38	Page 39
1 Q. Larry. Am I pronouncing his last name 2 correctly? 3 A. Yes. 4 Q. Did anyone tell you that Mr. Budreau 5 had already interviewed some of the assessors? 6 A. I don't remember that, but according to 7 the report, he had already interviewed several 8 employees. 9 Q. I don't have the report in front of me. 10 Does the report name the people who were 11 interviewed? 12 A. According to the report it said Greg 13 Turgiss had already been interviewed by director of 14 human resources, Larry Budreau. 15 Q. Did you know Greg Turgiss from before 16 this? 17 A. I did not. 18 Q. Did you know Gary Turgiss from before 19 this? 20 A. I did not. 21 Q. And we've already talked about Kim 22 Kleiner. Okay. Do you remember Ms. Kleiner 23 saying anything about the city providing full 24 support as needed, or anything to that effect? 25 A. No. I mean, my recollection is that	1 both she and the mayor said they understood. They 2 said they welcomed an investigation and we would 3 get cooperation. 4 Q. Okay. And do you remember anything 5 that the mayor said? I know you relayed a couple 6 of instances where you couldn't remember if it was 7 the mayor or Kleiner, so I'm asking for additional 8 statements that you can remember above and beyond 9 those. 10 A. No, that's it. 11 Q. And how did the meeting end? Did 12 someone give instructions, or did someone say 13 time's up? Or if you recall, how did it end? 14 A. No, it just -- it was pretty obvious 15 that the topic of discussion was over, so we just 16 said goodbyes. 17 Q. And do you remember how long the 18 meeting lasted for? I think you said it began at 19 9:00. Do you remember what time you got out? 20 A. I don't. It was a fairly short 21 meeting. Our purpose was not to talk about 22 anything other than this. 23 Q. Short as in less than a half an hour, 24 short as in less than 15 minutes, can you 25 estimate? If you have no memory, that's fine.
Page 40	Page 41
1 A. No, if I had to estimate, I'd say 2 between 15 minutes and a half an hour. 3 Q. And when you left the meeting, did you 4 and Captain Lehto continue to talk about what 5 transpired in the meeting? 6 A. No. If I remember the conversation was 7 more who it was going to be assigned to, and just 8 to make sure they did a thorough job. 9 Q. And when you talked about who it was 10 going to be assigned to, did you know at that 11 point that Lieutenant Mederos was going to be 12 assigned, or is that one of the people who -- that 13 Lehto mentioned to you? 14 A. So Lieutenant Mederos would be assigned 15 in the manner that it's an investigation being done 16 by the criminal investigation bureau. He was the 17 CID -- CIB lieutenant so it would flow to him to 18 pass down to the sergeant and the detectives. 19 Q. And at some point you came to 20 understand that Mederos and Lehto didn't do the 21 whole investigation themselves, they assigned it 22 downward? 23 A. Correct. 24 Q. Do you know who got the assignments? 25 A. Ultimately Frank Lombardi got it. I'm	1 sure he was assisted by other detectives, other -- 2 his supervisors, his sergeants would have been 3 involved as well, but he was the lead detective. 4 Q. And at the time his position was 5 detective? 6 A. Correct. 7 Q. And do you know how long after the 8 meeting the assignment to Detective Lombardi 9 occurred? 10 A. I don't. 11 Q. And you knew Detective Lombardi 12 previously of course from being in the same 13 department together? 14 A. Correct. 15 Q. And by the way, when the meeting 16 occurred, you were not yet chief, right? You were 17 deputy chief, is that right? 18 A. Correct. At the time the current 19 chief, Andrew Lavoie, was on what we call terminal 20 leave. He was on time off between the time of his 21 vacation time, unused vacation and sick time, and 22 the time of his retirement, so I was acting in the 23 role of -- still a deputy chief, but I was 24 acting -- I guess you call it acting chief. It 25 wasn't an official title.

MICHAEL CARIGNAN

62..65

Page 62		Page 63	
1	Q. Would he have been -- I think it was a	1	BY MR. MALAGUTI:
2	he. Would he have been a patrolman in January of	2	Q. Any relation, to your knowledge,
3	2021?	3	between Captain Bolton and Steve Bolton of the
4	A. Yes.	4	legal department?
5	Q. And are you familiar with, I believe, a	5	A. They are not -- they are of no
6	Sergeant Gilbert, if I remember correctly, is it	6	relations.
7	Caleb Gilbert?	7	Q. I assumed so. Bolton is not a name
8	A. Yes, I'm familiar with him.	8	like Malagutti, it's somewhat common.
9	Q. Do you have knowledge that they were --	9	Okay. So do you remember what you
10	and there's a third person who I can't remember,	10	heard about the incident the first time you heard?
11	but do you have knowledge that they were present	11	A. Sure. I remember that officers were
12	to handle the incident with Laurie Ortolano in	12	called to City Hall for a criminal trespass
13	January of 20 -- I've lost the date, too -- 2021.	13	situation. They got there, Laurie Ortolano was --
14	A. I'm not sure which -- I don't remember	14	up until our arrival had refused to leave an area
15	which officers responded. I know I would have been	15	around the legal department of City Hall, and when
16	told, but I don't remember who they were.	16	officers -- when our officers arrived and asked her
17	Q. And you wouldn't have heard from them	17	to leave, she left.
18	directly anyways, right?	18	Q. Do you recall whether she was detained
19	A. That's correct.	19	or arrested before she left?
20	Q. You would have heard through Rourke or	20	A. She was not. She complied with the
21	Bolton, or would that have even gone to another	21	officers' commands.
22	step before it came to you?	22	Q. Now, in general, when there is a
23	MR. CULLEN: Just to be clear, you mean	23	trespass situation, a potential trespass
24	Captain Bolton, right?	24	situation -- let's back up. I'm going to move
25	MR. MALAGUTTI: Yeah, not -- thank you.	25	away from Laurie Ortolano for a quick minute and
Page 64		Page 65	
1	talk generally if that's okay. And I'm going to	1	the properties generally won't show up to testify
2	ask you questions about your philosophy as to how	2	for a number of reasons. So that's generally how
3	trespass situations should be handled.	3	they go.
4	Do you have a general philosophy about	4	Q. And when you say that typically the
5	how criminal trespass situations should be handled	5	victim will not show up to testify, are you
6	by Nashua's police officers?	6	primarily referring to incidents on private
7	A. Sure.	7	property, or is it both private and public
8	Q. Could you say it for us?	8	property?
9	A. Yeah, if we're -- you know, if we're	9	A. Both public and private property. It's
10	called to a location where somebody's there, and a	10	a fairly common call for service at the Nashua
11	person who has control over that space doesn't want	11	Police Department.
12	them there for a specific reason and asks them to	12	Q. And so sometimes when there's someone
13	leave, the expectation is that they leave.	13	who's asked to leave public property and doesn't
14	If they don't leave, we get called, and	14	leave, you find it difficult to get cooperation
15	we go, and we will tell them to leave. We'll talk	15	from the city employees who control that property?
16	to the victim, we'll find out what the victim says	16	A. No, our general philosophy is that's
17	happened, or the controller of the property. And	17	not specifically toward City Hall, because city
18	then if the person still refused to leave, we'll	18	property doesn't really happen as much, unless, you
19	arrest them. If they leave, we will generally give	19	know, say it's city parks or anything like that,
20	them the warning to go, because they -- they're not	20	they generally won't show up to testify.
21	refusing in our presence.	21	Q. Okay. Now, when it comes to -- so
22	And if you're asking for the	22	would I be correct then in sort of encapsulating
23	philosophy, it's people -- it's very difficult in	23	what you said, which is that as a general rule --
24	the courts, particularly in Nashua, to get a	24	I understand there are exceptions -- as a general
25	conviction because the victim or the controller of	25	rule, when the police show up, order the

MICHAEL CARIGNAN

86..89

Page 86		Page 87	
1	Q. Were there further conversations with	1	A. Correct.
2	Steve Bolton or anyone on his staff between the	2	Q. You got further communications from the
3	time you left that meeting and when Ms. Ortolano	3	legal department -- and let me reframe that.
4	was actually arrested?	4	To your knowledge, did you or anyone at
5	A. No.	5	the police department get further communications
6	Q. Now, when you were dealing with	6	from the legal department between the time that
7	Mr. Bolton and the tall red-headed attorney and	7	the meeting occurred and Ms. Ortolano was
8	others, is it fair to say that there was no	8	arrested?
9	attorney-client relationship because they -- you	9	A. I don't -- I don't recall specifically
10	considered them to be the victims rather than	10	getting any myself. I know that there were several
11	attorneys?	11	conversations back throughout this entire ordeal,
12	MR. CULLEN: Objection to form. You	12	not just this arrest, where Bolton would contact
13	can answer.	13	the legal department, and I believe it was Captain
14	MR. MALAGUTI: No, that's a bad	14	Brian Kinney at the time, or Lieutenant Kinney.
15	question, so let me reform it.	15	There was some -- I think some conversations there
16	BY MR. MALAGUTI:	16	that he let me know about.
17	Q. Is it fair to say that you did not	17	Q. Captain or Lieutenant Brian Kinney, was
18	consider there to be an attorney-client	18	he in the police legal department or was he in
19	relationship with anyone in the legal department	19	some other department?
20	regarding the January 22nd incident?	20	A. He was part of the Nashua police legal
21	A. Yes.	21	department.
22	Q. In fact, you told us early on that	22	Q. Was he an attorney?
23	there are very limited circumstances by which	23	A. No.
24	there's an attorney-client relationship with the	24	Q. Did -- it sounds like he got promoted
25	city legal department and the police department?	25	to captain, he might have been a lieutenant at the
Page 88		Page 89	
1	time, so I'll just call him Brian Kinney.	1	Q. At some point did the police department
2	Did Brian Kinney tell you the content	2	open an investigation into whether Laurie Ortolano
3	of those conversations between himself and	3	should get arrested?
4	Steve Bolton?	4	A. Yes.
5	A. The conversation, I don't recall him	5	Q. How soon was that after the meeting at
6	telling me specifically, but it would have gone to	6	Bolton's office?
7	his captain up to the deputy to me.	7	A. I don't know specifically. If I had to
8	Q. And you don't remember anything that	8	guess, it was within a week.
9	was said?	9	Q. Do you know why the investigation was
10	A. No.	10	opened?
11	Q. Admittedly, by the time it reached you	11	A. I do.
12	second or third-hand?	12	Q. Why?
13	A. Correct.	13	A. I was advised by my deputies that they
14	Q. Do you remember the nature of what was	14	wanted to open an investigation to re -- to relook
15	said?	15	at the case because of a social media post that
16	A. I don't. I -- no, I remember the	16	Ms. Ortolano had posted, but if I remember right,
17	conversation with Bolton, and we held firm that we	17	she was bragging about refusing to leave, and
18	weren't going to pursue charges, and that's -- I	18	not -- not obeying the commands of what the person
19	knew there was back and forth, but I don't remember	19	who had control of the property did, meaning the
20	what they specifically were.	20	legal department.
21	Q. Did you understand that Steve Bolton	21	Q. You understand that Ms. Ortolano has a
22	was advocating for the arrest of Laurie Ortolano	22	First Amendment right to post on social media?
23	when he spoke with Brian Kinney?	23	A. I do.
24	A. I believe so. I know for a fact he was	24	Q. You understand that Ms. Ortolano has a
25	advocating for it when we had our meeting.	25	right to post even offensive material under the

MICHAEL CARIGNAN

90.93

	Page 90	Page 91
1	First Amendment on social media?	
2	A. Yes, sir, I do.	1 obeying, are you talking about the command to
3	Q. You understand that unless	2 leave given by people in the legal department, or
4	Ms. Ortolano's postings constitute some form of	3 by the police officers at the scene?
5	unprotected speech that she cannot be regulated in	4 A. People in the legal department.
6	that speech, as a general matter?	5 Q. Didn't we discuss a short while ago
7	A. Yes, sir.	6 that as a general proposition if the people
8	Q. Do you believe it would be wrong for	7 cooperate with the police officers when they
9	the Nashua Police Department to arrest Laurie	8 arrive, even though they had refused to leave
10	Ortolano because of social media posts they made?	9 until then, that the police may no trespass them,
11	A. I can't answer that question because	10 but will not generally arrest them for trespass?
12	the answer is it's possible. If she's -- we're not	11 A. Yes, we did.
13	arresting her based on anything she's just saying	12 Q. Why didn't that happen here?
14	in there.	13 A. So if I -- if I understand their
15	Q. Can you elaborate on that?	14 thought process correctly, she was admitting to
16	A. The decision, from what I understand,	15 committing the crime, bragging about committing the
17	to arrest was her admission of committing the	16 crime, and the concern was that the bragging and
18	crime. She went on her social media post and	17 the admissions occurred after the warning and the
19	admitted to refusing to obey those commands, and	18 no trespass, and the thought was that she was
20	for us the discussion, if I remember correctly,	19 pretty vocal about it, and there was a concern that
21	was, well, she's admitting to a crime, we don't	20 it would be a repeat offense, and the decision was
22	need a witness to necessarily come forward, she's	21 made to arrest her for it.
23	making her own self-admissions, so we will charge	22 Q. And you said your deputies advocated
24	her, and I supported that decision.	23 for the arrest?
25	Q. Now, when you say that she wasn't	24 A. Well, it wasn't -- it was not their
		25 decision to make. I don't -- it would have been
1	made at a lower level.	Page 92
2	So I'm not sure who made the decision	1 Q. And you eventually -- well, let me ask
3	to arrest, whether it was the patrol sergeant or	2 you this. Was it your decision to be made?
4	the supervisors or whom it was, but typically that	3 A. No.
5	would not be a decision made by the deputies.	4 Q. Did you check off on the decision, in
6	Q. So did I misunderstand you when you	5 your mind?
7	said that your deputies were advocating to have	6 A. I had my opinion, but it wasn't a
8	her arrested?	7 direction I told anybody, it was not an order to
9	A. No, they were telling me about what the	8 give anybody.
10	social media posts, and part of the discussion	9 Q. And you voiced that opinion?
11	involved, well, they wanted to arrest her, is it	10 A. I voiced it with my two deputies,
12	legal, can we do it, should we do it. Those are	11 correct.
13	the processes that came up, the discussion that	12 Q. And you assume that they sent it down
14	we had.	13 the chain of command?
15	Q. So they were not taking a position	14 A. No. The discussion that you -- please
16	on it?	15 don't misunderstand me. The discussion with my two
17	A. Correct.	16 deputies involves the facts that the officers were
18	Q. They were reporting what their	17 given and us exchanging back and forth what that
19	subordinates were advocating?	18 looked like, what that meant, what the options
20	A. Correct.	19 were, what the outcomes were, just a general
21	Q. And it's obviously in the police	20 discussion about that incident and their decision.
22	papers, but do you remember who the advocates were	21 Q. And who were your deputies again at
23	for her arrest?	22 that time?
24	A. I don't, but if it's in the police	23 A. I think it was Kevin Rourke and Jim
25	report, I would verify it.	24 Testaverde.
		25 Q. Again, I'm sorry, what was Mr. Rourke's